

FILED

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**SECRETARY, BOARD OF
OIL, GAS & MINING**

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**BEFORE THE BOARD OF OIL, GAS, AND MINING
DEPARTMENT OF NATURAL RESOURCES
STATE OF UTAH**

LIVING RIVERS, a non-profit association,

Petitioner,

v.

DIVISION OF OIL, GAS AND MINING,

Respondent,

EARTH ENERGY RESOURCES, INC.

Intervenor/Respondent

DIVISION'S AMENDMENT

TO

LIST OF

POTENTIAL WITNESSES

Docket No.

Cause No. M/047/0090

The Utah Division of Oil, Gas and Mining, (Division), in accordance with the reservation of the right to identify rebuttal witnesses as identified and by prior agreement of the Parties in the above matter, adds the following individual as a potential rebuttal witness:

Mr. Robert Herbert, Director of the Utah Division of Water Quality. Mr. Herbert has been previously identified to the Petitioner and his deposition was taken on February 16, 2011 pursuant to agreement of the parties. Mr. Herbert may testify regarding the ground water permit

by rule determination and re-evaluation and the storm water permit review for the proposed mine. He will testify as to the information reviewed by the DWQ and the actions by DWQ based on its evaluation.

The Division may call additional witnesses in rebuttal as may be necessary based on the testimony of the Petitioner's witnesses. Additional rebuttal witnesses will be identified as soon as it is determined that they may be called to testify.

Respectfully submitted this 17 day of February, 2011.



Steve Alder, Assistant Utah Attorney General
Counsel for Division of Oil, Gas and Mining

CERTIFICATE OF MAILING

The Undersigned affirms that he did mail and email a true and correct copy of the forgoing Amendment to Division's List of Potential witnesses to the following persons and addresses on this 17 day of February, 2011.

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